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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,848	09/29/2003	Yong-Hwa Kim	HANYA1.001C1	4454

20995 7590 10/18/2007
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EXAMINER	
BARQADLE, YASIN M	

ART UNIT	PAPER NUMBER
2153	

NOTIFICATION DATE	DELIVERY MODE
10/18/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartere@kmob.com
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Office Action Summary

Application No.

10/674,848

Applicant(s)

KIM ET AL.

Examiner

Yasin M. Barqadle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Amendment

The amendment filed on July 31, 2007 has been fully considered but are moot in view of the new ground(s) of rejection necessitated by the new claims.

- Claims 1-20 have been cancelled.
- Claims 21-40 have been added.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before

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November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 21-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Rajakarunanayake et al (6810413), hereinafter "RAJak".

As per claim 21, 29 and 35, Rajak teaches a method of receiving multicast, the method comprising (fig. 3 and abstract):

connecting, by a user terminal (fig. 3, 246, 244), to a content providing server (content server 202, fig. 3) via a DSL network connected to the Internet, wherein the DSL network comprises a local DSL device, which links between the Internet and the user terminal (col. 5, lines 52-65 and col. 8, lines 36-62);

requesting, by the user terminal, a desired content from to the content providing server (col. 3, lines 7-24);
communicating, by the user terminal, with a multicast box associated with the local DSL device and configured to relay data for the desired content from the content providing server to the user terminal (col. 5, lines 52-65 and col. 10, lines 6-31 see fig. 3); and receiving, by the user terminal, the data from the

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multicast box or the local DSL device (col. 8, lines 36-62 and col. 10, lines 6-31).

Rajak further teaches verifying whether the local DSL supports multicasting (col. 9, lines 9-16).

As per claim 22, Rajak teaches the method of Claim 21, wherein upon requesting the user terminal is directed to the multicast box (col. 8, lines 36-62 and col. 10, lines 6-31. see fig. 4).

As per claims 23,30 and 38, Rajak teaches the invention further comprising: receiving, by the user terminal, a command from the multicast box to determine whether the local DSL device supports multicasting; and communicating with the local DSL device, by the user terminal, to determine whether the local DSL device supports multicasting (col. 8, lines 36-62 and col. 10, lines 6-31).

As per claims 24, 36-37 and 39, Rajak teaches the invention wherein if the local DSL device supports multicasting, the user terminal transmits the data received from the multicast box to a multicasting address of the local DSL device so as to enable the local DSL device to multicast the data to other user terminals

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connected to the local DSL device (col. 8, lines 36-62 and col. 10, lines 6-31. see fig. 3).

As per claims 25, 33 and 40, Rajak teaches the invention, wherein if the local DSL device supports multicasting, the user terminal receives the data from the local DSL device (col. 5, lines 52-65 and col. 8, lines 36-62).

As per claims 26 and 34, Rajak teaches the invention wherein the user terminal downloads a computer program configured to enable the user terminal to communicate with the content providing server and the multicast box so as to receive the data from the multicast box (col. 5, lines 52-65 and col. 8, lines 36-62).

As per claims 27 and 31, Rajak teaches the invention wherein downloading occurs when the user terminal requests the desired content (col. 5, lines 52-65 and col. 8, lines 36-62).

As per claim 28, Rajak teaches the method of Claim 21, wherein upon requesting the content providing server determines whether there is a multicast box associated with the local DSL device and transmit data for the desired content if determined that the

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multicast box is associated with the local DSL device (col. 8, lines 36-62 and col. 10, lines 6-31. see fig. 4).

As per claim 32, Rajak teaches the method of Claim 29, wherein the user terminal receives the data from the multicast box via one-on-on connection if the data is not available for multicasting at the local DSL device (See fig. 3; col. 5, lines 52-65 and col. 8, lines 36-62).

Conclusion

1. **ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Bargadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YB

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ABDULLAH SALAD
PRIMARY EXAMINER